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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,609	06/12/2001	Bernard Beier	600.1161	5275

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EXAMINER

NGHIEM, MICHAEL P

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	<p>Application No.</p> <p align="center">09/879,609</p>	<p>Applicant(s)</p> <p align="center">BEIER ET AL.</p>	
	<p>Examiner</p> <p align="center">Michael P Nghiem</p>	<p>Art Unit</p> <p align="center">2863</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4-16 and 18-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9,10,25 and 26 is/are allowed.
- 6) ☒ Claim(s) 2,4-8,12,15,16,23,24 and 27-29 is/are rejected.
- 7) ☒ Claim(s) 18-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The Amendment filed on November 21, 2003 has been acknowledged.

Claim Objections

1. Claim 18 is objected to because of the following informalities:

- after ""defined by" (line 10) should insert – an axis perpendicular to --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2, 4-8, 12, 15, 16, 23, 24, and 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohta et al. (US 5,300,956).

Ohta et al. discloses all the claimed features of the invention including:

- a device for imaging printing plates (Fig. 21) comprising:

- an array of n laser diodes (1) which image n image points (B1, B2, Fig. 1), so that one laser diode of the array is allocated to each i th point, with i being from $\{1, \dots, n\}$ (Fig. 1), the n image points being separated by a spatial interval l (r3) between adjacent image points (column 2, lines 38-39), with a pitch distance p (dx) of dots to be imaged by the array (column 2, lines 9-10),

- the laser diodes being individually-drivable single stripe laser diodes (Abstract, lines 1-3), wherein the spatial interval l between adjacent image points (column 2, lines 38-39), measured in units of the pitch distance p of the dots (column 2, lines 38-40), is an integral multiple m (l) of the pitch distance p between the dots;

- the integral multiple m and the number n of image points have no common divisor (column 2, lines 41-44);

- the spatial interval l of adjacent image points, measured in units of the pitch distance p of the dots, is smaller than the number n of the image points (Figs. 1, 3's);

- the multiple m and the number n of the image points are prime numbers (column 2, lines 43-44);

- imaging optics (2) for correcting at least one of divergence and aberration (Figs. 4, 21);

- a control unit (controller in laser printer), at least one of the laser diodes of the array being controlled by the control unit (Abstract, lines 1-3);

- the number of laser diodes in the array is between 10 and 100 (based on number of spots, Figs. 3's);

- a detector for determining a power output of at least one of the plurality of laser diodes and a laser controller, the laser controller being controlled as a function of the power output determined by the detector (detection device is inherent with laser power and spot size control, column 10, line 64 – column 11, line 25);

- imaging optics including at least one reflective optical element (7, Fig. 21);

- imaging optics having micro-optical components (Fig. 21);

- the device is a computer to plate unit (includes controlled laser 1) movable with respect to a cylinder offset printing plate (9).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta et al. in view of Sarraf (US 5,521,748).

Ohta et al. does not disclose that at least one laser diode is a pulse controlled laser.

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Nevertheless, Sarraf discloses a pulse controlled laser (column 2, lines 31-33) for the purpose of reducing average power density.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide Ohta et al. with a pulse controlled laser for the purpose of reducing average power density.

Allowable Subject Matter

4. Claims 18-22 would be allowable if rewritten or amended to overcome the objection set forth in this Office action.

5. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 9, 10, 25, and 26 are allowed.

Reasons For Allowance

7. The combination or method as claimed wherein the laser diodes are spaced apart on the array by a distance of between 100 and 1000 micrometers, and a

width of emitter surfaces of the laser diodes is less than 10 micrometers (claims 9, 25) or at least one detector for testing for correct functioning and determining a power output of one or of a plurality of the laser diodes (claim 11) or repeating the displacement steps, an amount of the second specific displacement being greater than the spatial interval l of adjacent image points (claim 18) is not disclosed, suggested, or made obvious by the prior art of record.

Response to Arguments

8. Applicant's arguments filed on November 21, 2003 have been fully considered but they are not persuasive.

With respect to the 35 USC 102 rejections, Applicants argue that Ohta does not show a device for imaging a printing plate.

Examiner's position is that Fig. 21 of Ohta shows a device for imaging a printing plate (9).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

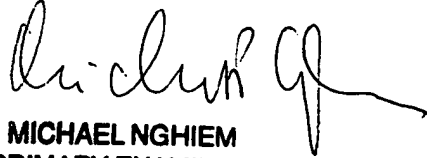
Contact Information

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (571) 272-2272. The examiner can normally be reached on M-H from 6:30AM – 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached at (571) 272-2269. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

0956.



**MICHAEL NGHIEM
PRIMARY EXAMINER**

Michael Nghiem

February 19, 2004